

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

ASHLEE E. PADGETT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:23-cv-00071-MPB-CSW
)	
JACOB CARL BUTLER, <i>et al.</i> ,)	
)	
Defendants.)	

JOINT MOTION TO MODIFY DISCOVERY DEADLINE
IN CASE MANAGEMENT PLAN

The Plaintiffs, Defendants Evansville-Vanderburgh School Corporation and Board of School Trustees of the Evansville-Vanderburgh School Corporation, and Defendants University of Evansville and University of Evansville Board of Trustees, by their respective counsel, jointly and respectfully move the Court to modify the deadlines in Section III.C. of the Case Management Plan, [Dkt. 40], for completing non-expert witness discovery and discovery relating to liability issues, and for filing dispositive motions, and, in support thereof, state to the Court, as follows:

1. On June 20, 2023, the parties to this action jointly submitted a Proposed Case Management Plan to the Court, [Dkt. 30], proposing a deadline for non-expert witness discovery and discovery relating to liability issues of February 27, 2024, a deadline for expert witness discovery and discovery relating to damages of July 27, 2024, and that all remaining discovery be completed no later than August 27, 2024, [*id.* at 9, § III.C.], with an eye toward a jury trial date in October of 2024, [*id.* at 10, § V.].

2. On June 27, 2023, the Court, by then-serving Magistrate Judge Mark J. Dinsmore, approved the Case Management Plan, as amended [Dkt. 38], providing that non-expert witness

discovery and discovery relating to liability issues shall be completed by February 9, 2024, and that all remaining discovery shall be completed by July 17, 2024, [*id.* at 7, § III.C.], and stating that the matter would be ready for trial in or after December of 2024, [*id.* at 8, § V.].

3. The Court subsequently entered a second Case Management Plan, also under date of June 27, 2023, [Dkt. 40], with the only readily apparent differences being the insertion of the Dispositive Motion Date of March 8, 2024, and the Discovery Completion Date of February 9, 2024, at the bottom of page 13, [*id.* at 13].

4. The parties have worked continually and cooperatively to conduct discovery in this matter and to move the case forward with expediency.

5. Nevertheless, the parties jointly agree that additional time is necessary to complete non-expert witness discovery and discovery relating to liability issues, and, to that end, propose that the deadline for such discovery in Section III.C. of the Case Management Plan be extended, by a period of forty-five (45) days, to **March 25, 2024**.

6. Additionally, the parties agree that the Defendants will require additional time to incorporate the discovery conducted during the extended discovery period into any dispositive motions that they intend to file, and, accordingly, propose that the deadline for such discovery in Section III.C. of the Case Management Plan be extended by a period of forty-five (45) days, to **April 22, 2024**.

7. The extension jointly requested herein is sought in good faith, not for purposes of hindrance or mere delay, and is reasonably required by the parties and their respective counsel to advance a case of this gravity involving so many parties. There is, therefore, good cause for the relief requested herein.

8. The agreement and participation of Defendant Jacob Carl Butler (“Defendant Butler”) with respect to the instant Motion has also been sought, but a series of messages to the offices of counsel for Defendant Butler in such regard since January 30, 2024, have gone unanswered. It is not, however, anticipated that Defendant Butler or his counsel would have any objection to the relief requested herein.

9. The proposed extension will not interfere with any other pre-trial deadlines set forth in the Case Management Plan.

10. It does not appear that the Court has yet scheduled a trial date for this case.

WHEREFORE, the parties, by their respective counsel, jointly and respectfully pray the Court to extend the deadline for non-expert witness discovery and discovery relating to liability issues contained in Section III.C. of the Case Management Plan, by the period of forty-five (45) days, to **March 25, 2024**, and to extend the deadline for filing dispositive motions contained in Section III.C. of the Case Management Plan by the period of forty-five (45) days, to **April 22, 2024**, and for all other relief just and proper in the premises.

Respectfully submitted,

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* *Affixed with Permission*

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2024, a copy of the foregoing *Joint Motion to Modify Discovery Deadline in Case Management Plan* was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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